

REMARKS

Applicant elects, with traverse, to have claims 1-12 of Group I examined on the merits.

The Restriction Requirement is traversed for the following reasons. The Examiner indicates with respect to the elected process that the "preparation process can be practiced by water vats having heated water through which the poultry bodies are passed using a conveyor line and the apparatus can be used to sanitize the individual pieces of food for packaging". Claims 1 and 13 have each been amended to recite at the end thereof "with the scalding being performed without the bodies being immersed in water". This amendment is inherent in the description of the application which only discloses the use of a water vapor-air mixture for producing scalding of the bodies of the slaughtered poultry. This is consistent with the draining tube 6, as illustrated in Fig. 1, described in paragraph [0037] as "a draining tube is provided for the removal of condensation water forming on the walls of the scalding department 2" which clearly teaches that scalding performed therein would not be by immersion in water.

The method claims as amended are not subject to being practiced by water vats and furthermore, the system is limited to the transporting of bodies of the slaughtered poultry through the scalding department which, contrary to the Examiner's statement, excludes reading on sanitized individual pieces of food before packaging. Moreover, it is submitted that the claimed process cannot be practiced by materially different apparatus or by hand and further, that the apparatus as claimed cannot be used to practice another materially different process since both

the process and system are limited to the scalding of slaughtered poultry by the direction of at least one flow of a water vapor-air mixture against predetermined regions of at least one of the bodies of poultry with the scalding being performed without the bodies being immersed in water.

Accordingly, it is requested that the Examiner withdraw the restriction requirement. The basis stated therein, in view of the amendment of the independent claims, is outside the scope of the claims.

An early action on the merits of each of claims 1-25 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.43248X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Donald E. Stout', is written over a horizontal line.

Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments

DES:dlh